

ORIGINAL

Approved:

Elizabeth A. Espinosa

ELIZABETH A. ESPINOSA

Assistant United States Attorney

Before: HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

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	:	<u>COMPLAINT</u>
UNITED STATES OF AMERICA	:	
	:	Violations of 18 U.S.C.
- v. -	:	SS 922(g) (1)
	:	
ERIC LESANE,	:	COUNTY OF OFFENSE:
	:	
Defendant.	:	BRONX
	- - - - - X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

MARK VERE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Possession of a Firearm After a Felony Conviction)

1. On or about February 1, 2022, in the Southern District of New York, ERIC LESANE, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess firearms, to wit: (1) a Ruger Precision Rifle, and (2) a Typhoon 12 Gauge Semiautomatic Shotgun, and the firearms were in and affecting interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other

individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of law enforcement and probation reports, and my conversations with other law enforcement and probation officers, I have learned, among other things, the following:

a. On or about January 10, 2022, and January 20, 2022, law enforcement and probation officers conducting surveillance observed ERIC LESANE, the defendant, leave a building located at a certain address in the Bronx, New York ("Building-1"). Based on my conversations with LESANE's United States Probation Officer, I know that LESANE is on supervised release following a felony conviction in the Southern District of New York, and that LESANE had reported to Probation that he resided at an address other than Building-1.

b. On or about January 24, 2022, the Honorable Paul G. Gardephe issued a warrant for LESANE's arrest for violations of his conditions of supervised release, including that LESANE failed to truthfully answer inquiries of the probation officer and that LESANE failed to notify the Probation Office of a change in his residence.

c. On or about February 1, 2022, deputy United States Marshals arrested LESANE pursuant to the warrant outside Building-1 after LESANE exited Building-1. Incident to LESANE's arrest, law enforcement officers seized a set of keys from LESANE's person.

d. After LESANE's arrest, probation officers executed a search of LESANE's residence pursuant to the search condition imposed as a condition of LESANE's supervised release in this District and the Probation Department's standard practices. Probation officers entered Building-1 and identified LESANE's apartment by using LESANE's keys to open the door ("Apartment-1"). The door to Apartment-1 was locked when the probation officers arrived to execute the search. Apartment-1 is a room inside of Building-1 that appeared to have been converted into an apartment with the addition of a small shower,

a sink, and a toilet installed inside the closet. No one was inside Apartment-1 when probation officers entered.

e. In the course of the search of Apartment-1, probation officers found pieces of mail bearing LESANE's name, as well as a wallet containing a Federal Bureau of Prisons ("BOP") identification card bearing LESANE's name and BOP number. Based on the recovery of LESANE's identification documents from inside Apartment-1, I believe that LESANE was residing in Apartment-1.

4. Based on my review of law enforcement and probation reports, and my conversations with probation officers, my review of photographs and evidence recovered in the course of the search, I have learned the following:

a. In the course of the search of Apartment-1, probation officers seized (1) a Ruger Precision Rifle, (2) a Mossberg Rifle, (3) a SWD Model M-11 9mm pistol, (4) a Typhoon 12 Gauge Semiautomatic Shotgun, and (5) a black pf940c polymer 80 handgun that I believe to be a "ghost" gun (i.e., a gun assembled by its user without a serial number). Photographs of the firearms seized in the search are depicted below:



b. In the course of the search of Apartment-1, probation officers also recovered multiple high-capacity magazines each containing more than 15 rounds of ammunition, approximately 75 buckshot shotgun shells, and additional ammunition.

c. In addition, probation officers also found in Apartment-1 what appears to be large amounts of paraphernalia associated with the "Crips" street gang, including blue (a color commonly associated with the Crips gang) clothing and signs, literature that discussed the Crips, and a black and blue baseball bat with a black and blue bandana tied around it wrapped in barbed wire. A photograph of the baseball bat is below:



5. Based on my conversation with a Special Agent with the Alcohol, Tobacco, Firearms, and Explosives Bureau ("ATF") who is familiar with the manufacturing of firearms and ammunition, I have learned that the Ruger Precision Rifle and the Typhoon 12 Gauge Semiautomatic Shotgun were not manufactured in the State of New York.

6. I have reviewed criminal history records pertaining to ERIC LESANE, the defendant, which show that on or about October 25, 2013, LESANE was convicted in the Southern District of New York of possessing a firearm following a felony conviction, in violation of Title 18, United States Code, § 922(g)(1), a felony, and was sentenced to 94 months' imprisonment. LESANE was incarcerated in the Bureau of Prisons from on or about October 25, 2013, until on or about April 6, 2021.

WHEREFORE, I respectfully request that ERIC LESANE, the defendant, be arrested and imprisoned or bailed, as the case may be.

/s/ Mark Vere, with permission by SDA
Special Agent Mark Vere
Federal Bureau of Investigation

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to Rule 4.1 of
the Federal Rules of Criminal Procedure,
This 3rd day of February, 2022.

Stewart D. Aaron

THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York